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CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR §1.8

I hereby certify that this correspondence, totaling five (5) pages including recited attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 571-273-9200 (Central number) on the below date:

Date: February 28, 2009

Name: Gregory H. Zayia - Reg. No. 48,059

Signature: *Gregory Zayia*
 BRINKS
 HOFER
 GILSON
 & LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Yasuyuki Kawashima

Appln. No.: 10/821,732

Filed: April 8, 2004

 For: Methods for Measuring Bacteria, Bacteria
 Measuring Apparatuses, and Storage
 Media for Storing Computer-Executable
 Programs for Analyzing Bacteria
Examiner: Kailash C.
Srivastava

Art Unit: 1657

Conf. No.: 1524

Attorney Docket No.: 11333/38

 Mail Stop Amendment
 Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

TRANSMITTAL

Attached is/are:

- ☒
- Transmittal (in duplicate); and Substance of Interview.

Fee calculation:

- ☒
- No additional fee is required.
-
- ☐
- Small Entity.
-
- ☐
- An extension fee in an amount of \$_____ for a _____-month extension of time under 37 CFR § 1.136(a).
-
- ☐
- A petition or processing fee in an amount of \$_____ under 37 CFR § 1.17(____).
-
- ☐
- An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$26=			x \$52=	
Indep.		Minus			x \$110=			x \$220=	
First Presentation of Multiple Dep. Claim					+ \$195=			+ \$390=	
					Total	\$		Total	\$

Fee payment:

- ☐
- Please charge Deposit Account No. 23-1925 in the amount of \$_____.
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- Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
-
- ☒
- The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

February 28, 2009

Date

Gregory Zayia
 Gregory H. Zayia (Reg. No. 48,059)

 BRINKS
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BRINKS HOFER GILSON & LIONE

NBC Tower - Suite 3600, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5599

MAR 02 2009

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Date: February 28, 2009 Name: Gregory M. Zayia - Reg. No. 48,059 Signature: Gregory M. Zayia

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& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: **Yasuyuki Kawashima**Appln. No.: **10/821,732**Filed: **April 8, 2004**

For: **Methods for Measuring Bacteria, Bacteria
Measuring Apparatuses, and Storage
Media for Storing Computer-Executable
Programs for Analyzing Bacteria**

Examiner: **Kailash C.
Srivastava**Art Unit: **1657**Conf. No.: **1524**Attorney Docket No.: **11333/38**

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Attached is/are:

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Fee calculation:

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Respectfully submitted,

February 28, 2009
Date

Gregory M. Zayia (Reg. No. 48,059)

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NBC Tower - Suite 3800, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5599

MAR 02 2009

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February 28, 2009

Gregory H. Zayia - Registration No. 48,059

Name of Applicant, Assignee or
Registered Representative

Signature

Date of Transmission

Our Case No. 11333/38

Sysmex Ref. No. 1-2002-090US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yasuyuki Kawashima

Serial No. 10/821,732

Filing Date: April 8, 2004

For: Methods for Measuring Bacteria,
Bacteria Measuring Apparatuses,
and Storage Media for Storing
Computer-Executable Programs for
Analyzing Bacteria

Examiner Kailash C. Srivastava

Group Art Unit No. 1657

SUBSTANCE OF INTERVIEW

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Interview Summary mailed February 12, 2009, Applicant respectfully requests entry of the following Remarks, which begin on page 2 of this communication.